

AMENDED IN SENATE AUGUST 11, 2010

AMENDED IN SENATE JULY 1, 2010

AMENDED IN ASSEMBLY MARCH 24, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1781

Introduced by Assembly Member Villines

February 9, 2010

An act to add and repeal Chapter 7.1 (commencing with Section 1964) of Division 2.5 of the Streets and Highways Code, and to amend Sections 21251 and 21260 of the Vehicle Code, relating to neighborhood electric vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1781, as amended, Villines. Neighborhood electric vehicles.

Existing law defines “low-speed vehicle” for purposes of the Vehicle Code as a motor vehicle, other than a motor truck, with 4 wheels that is capable of a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour on a paved level surface and that has a gross vehicle weight rating of less than 3,000 pounds. Existing law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver’s license. A low-speed vehicle is also known as a neighborhood electric vehicle (NEV). A violation of the Vehicle Code is an infraction, unless otherwise specified.

Existing law authorizes, until January 1, 2012, the City of Lincoln and the City of Rocklin in the County of Placer to establish a NEV transportation plan and authorizes, until January 1, 2013, the County of Orange to establish a NEV transportation plan for the Ranch Plan

Planned Community in that county. A person operating a NEV in a plan area in violation of certain provisions is guilty of an infraction punishable by a fine not exceeding \$100.

This bill would authorize the City of Fresno to establish a similar NEV transportation plan, subject to the same penalties. The bill would require the plan to be submitted to the department for review and approval. The bill would require a report to the Legislature by November 1, 2014, if the city adopts a plan. The bill would repeal these provisions on January 1, 2016. Because the bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would incorporate additional changes to Sections 21251 and 21260 of the Vehicle Code made by this bill and AB 584 to take effect if both bills are chaptered and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 7.1 (commencing with Section 1964) is
2 added to Division 2.5 of the Streets and Highways Code, to read:

3
4 CHAPTER 7.1. NEIGHBORHOOD ELECTRIC VEHICLE
5 TRANSPORTATION PLAN FOR THE CITY OF FRESNO
6

7 1964. It is the intent of the Legislature, in enacting this chapter,
8 to authorize the City of Fresno to establish a neighborhood electric
9 vehicle (NEV) transportation plan. The purpose of this NEV
10 transportation plan is to further the vision of creating a sustainable
11 development that reduces gasoline demand and vehicle emissions
12 by offering a cleaner, more economical means of local
13 transportation within the plan area. It is the further intent of the
14 Legislature that this NEV transportation plan be designed and
15 developed to best serve the functional travel needs of the plan area,
16 to have the physical safety of the NEV driver's person and property

1 as a major planning component, and to have the capacity to
2 accommodate NEV drivers of every legal age and range of skills.

3 1964.1. The following definitions apply to this chapter:

4 (a) "Plan area" means any portion of the City of Fresno, and
5 any streets and roads under the jurisdiction of the city, to the extent
6 the city has adopted a NEV transportation plan pursuant to Section
7 1964.2, including the privately owned land of any owner that
8 consents to its inclusion in the plan. "Plan area" may also include
9 county islands, which are areas of land and streets and roads under
10 county jurisdiction that are not part of the City of Fresno, but that
11 are entirely surrounded by the city, if the county concurs in
12 inclusion of county islands in the NEV transportation plan.

13 (b) "Neighborhood electric vehicle" or "NEV" means a
14 low-speed vehicle as defined by Section 385.5 of the Vehicle Code.

15 (c) "NEV lanes" means all publicly or privately owned facilities
16 that provide for NEV travel, including roadways designated by
17 signs or permanent markings that are shared with pedestrians,
18 bicyclists, and other motorists in the plan area.

19 1964.2. (a) The City of Fresno may, by ordinance or resolution,
20 adopt a NEV transportation plan for the plan area.

21 (b) The transportation plan shall have received a prior review
22 and the comments of the Council of Fresno County Governments
23 and any agency having traffic law enforcement responsibilities in
24 the plan area.

25 (c) The transportation plan may include the use of a state
26 highway, or any crossing of the highway, subject to the approval
27 of the Department of Transportation.

28 1964.3. The transportation plan shall include, but is not limited
29 to, all of the following elements:

30 (a) Route selection, which includes a finding that the route will
31 accommodate NEVs without an adverse impact upon traffic safety,
32 and will consider, among other things, the travel needs of
33 commuters and other users.

34 (b) Transportation interfacing, which shall include, but not be
35 limited to, coordination with other modes of transportation so that
36 a NEV driver may employ multiple modes of transportation in
37 reaching a destination in the plan area.

38 (c) Citizen and community involvement in planning.

39 (d) Flexibility and coordination with long-range transportation
40 planning.

1 (e) Provision for NEV-related facilities, including, but not
2 limited to, special access points and NEV crossings.

3 (f) Provisions for parking facilities at destination locations,
4 including, but not limited to, community commercial centers, golf
5 courses, public areas, and parks.

6 (g) Provisions for special paving, road markings, signage, and
7 striping for NEV travel lanes, road crossings, parking, and
8 circulation, as appropriate.

9 (h) Provisions for NEV electrical charging stations.

10 (i) NEV lanes for the purposes of the transportation plan shall
11 be classified as follows:

12 (1) Class I NEV routes provide for a completely separate
13 right-of-way for the use of NEVs.

14 (2) Class II NEV routes provide for a separate striped lane
15 adjacent to roadways with speed limits of 55 miles per hour or
16 less.

17 (3) Class III NEV routes provide for shared use by NEVs with
18 conventional vehicle traffic on streets with speed limits of 35 miles
19 per hour or less.

20 1964.4. If the City of Fresno adopts a NEV transportation plan
21 for the plan area pursuant to Section 1964.2, it shall do all of the
22 following:

23 (a) Establish minimum general design criteria for the
24 development, planning, and construction of separated NEV lanes,
25 including, but not limited to, the design speed of the facility, the
26 space requirements of the NEV, and roadway design criteria.

27 (b) In cooperation with the department, establish uniform
28 specifications and symbols for signs, markers, and traffic control
29 devices to control NEV traffic; to warn of dangerous conditions,
30 obstacles, or hazards; to designate the right-of-way as between
31 NEVs, other vehicles, and bicycles, as may be applicable; to state
32 the nature and destination of the NEV lane; and to warn
33 pedestrians, bicyclists, and motorists of the presence of NEV
34 traffic.

35 (c) Submit the transportation plan to the ~~California Traffic~~
36 ~~Control Devices Committee at the department for review and~~
37 ~~approval.~~ *Director of Transportation for approval following a*
38 *review and recommendation by the California Traffic Control*
39 *Devices Committee.*

1 1964.5. If the City of Fresno adopts a NEV transportation plan,
2 it may acquire, by dedication, purchase, or condemnation, real
3 property, including easements or rights-of-way, to establish NEV
4 lanes.

5 1964.6. If the City of Fresno adopts a NEV transportation plan
6 for the plan area pursuant to Section 1964.2, it shall also adopt all
7 of the following as part of the plan:

8 (a) NEVs eligible to use NEV lanes shall meet the safety
9 requirements for low-speed vehicles as set forth in Section 571.500
10 of Title 49 of the Code of Federal Regulations.

11 (b) Minimum safety criteria for NEV operators, including, but
12 not limited to, requirements relating to NEV maintenance and
13 NEV safety. Operators shall be required to possess a valid
14 California driver's license and to comply with the financial
15 responsibility requirements established pursuant to Chapter 1
16 (commencing with Section 16000) of Division 7 of the Vehicle
17 Code.

18 (c) (1) Restrictions limiting the operation of NEVs to NEV
19 routes identified in the transportation plan, and allowing only those
20 NEVs that meet the safety equipment requirements specified in
21 the plan to be operated on those routes.

22 (2) Any person operating a NEV in the plan area in violation
23 of this subdivision is guilty of an infraction punishable by a fine
24 not exceeding one hundred dollars (\$100).

25 1964.7. (a) If the City of Fresno adopts a NEV transportation
26 plan for the plan area pursuant to this chapter, the city shall submit
27 a report to the Legislature on or before November 1, 2014, in
28 consultation with the Department of Transportation, the Department
29 of the California Highway Patrol, and any applicable local law
30 enforcement agency.

31 (b) The report shall include both of the following:

32 (1) A description of the NEV transportation plan and its elements
33 that have been authorized up to that time.

34 (2) An evaluation of the effectiveness of the NEV transportation
35 plan, including its impact on traffic flows and safety.

36 1964.8. This chapter shall remain in effect only until January
37 1, 2016, and as of that date is repealed, unless a later enacted
38 statute, that is enacted before January 1, 2016, deletes or extends
39 that date.

40 SEC. 2. Section 21251 of the Vehicle Code is amended to read:

1 21251. Except as provided in Chapter 7 (commencing with
2 Section 1963), Chapter 7.1 (commencing with Section 1964), and
3 Chapter 8 (commencing with Section 1965) of Division 2.5 of the
4 Streets and Highways Code, and Sections 4023, 21115, and
5 21115.1, a low-speed vehicle is subject to all the provisions
6 applicable to a motor vehicle, and the driver of a low-speed vehicle
7 is subject to all the provisions applicable to the driver of a motor
8 vehicle or other vehicle, when applicable, by this code or another
9 code, with the exception of those provisions that, by their very
10 nature, can have no application.

11 SEC. 2.5. Section 21251 of the Vehicle Code is amended to
12 read:

13 21251. Except as provided in Chapter 7 (commencing with
14 Section 1963), Chapter 7.1 (commencing with Section 1964),
15 Chapter 8 (commencing with Section 1965), and Chapter 8.1
16 (commencing with Section 1966) of Division 2.5 of the Streets
17 and Highways Code, and Sections 4023, 21115, and 21115.1, a
18 low-speed vehicle is subject to all the provisions applicable to a
19 motor vehicle, and the driver of a low-speed vehicle is subject to
20 all the provisions applicable to the driver of a motor vehicle or
21 other vehicle, when applicable, by this code or another code, with
22 the exception of those provisions that, by their very nature, can
23 have no application.

24 SEC. 3. Section 21260 of the Vehicle Code is amended to read:

25 21260. (a) Except as provided in paragraph (1) of subdivision
26 (b), or in an area where a neighborhood electric vehicle
27 transportation plan has been adopted pursuant to Chapter 7
28 (commencing with Section 1963), Chapter 7.1 (commencing with
29 Section 1964), or Chapter 8 (commencing with Section 1965) of
30 Division 2.5 of the Streets and Highways Code, the operator of a
31 low-speed vehicle shall not operate the vehicle on any roadway
32 with a speed limit in excess of 35 miles per hour.

33 (b) (1) The operator of a low-speed vehicle may cross a roadway
34 with a speed limit in excess of 35 miles per hour if the crossing
35 begins and ends on a roadway with a speed limit of 35 miles per
36 hour or less and occurs at an intersection of approximately 90
37 degrees.

38 (2) Notwithstanding paragraph (1), the operator of a low-speed
39 vehicle shall not traverse an uncontrolled intersection with any
40 state highway unless that intersection has been approved and

1 authorized by the agency having primary traffic enforcement
2 responsibilities for that crossing by a low-speed vehicle.

3 SEC. 3.5. Section 21260 of the Vehicle Code is amended to
4 read:

5 21260. (a) Except as provided in paragraph (1) of subdivision
6 (b), or in an area where a neighborhood electric vehicle
7 transportation plan has been adopted pursuant to Chapter 7
8 (commencing with Section 1963), Chapter 7.1 (commencing with
9 Section 1964), Chapter 8 (commencing with Section 1965), or
10 Chapter 8.1 (commencing with Section 1966) of Division 2.5 of
11 the Streets and Highways Code, the operator of a low-speed vehicle
12 shall not operate the vehicle on any roadway with a speed limit in
13 excess of 35 miles per hour.

14 (b) (1) The operator of a low-speed vehicle may cross a roadway
15 with a speed limit in excess of 35 miles per hour if the crossing
16 begins and ends on a roadway with a speed limit of 35 miles per
17 hour or less and occurs at an intersection of approximately 90
18 degrees.

19 (2) Notwithstanding paragraph (1), the operator of a low-speed
20 vehicle shall not traverse an uncontrolled intersection with any
21 state highway unless that intersection has been approved and
22 authorized by the agency having primary traffic enforcement
23 responsibilities for that crossing by a low-speed vehicle.

24 SEC. 4. Section 2.5 of this bill incorporates amendments to
25 Section 21251 of the Vehicle Code proposed by both this bill and
26 AB 584. It shall only become operative if (1) both bills are enacted
27 and become effective on or before January 1, 2011, (2) each bill
28 amends Section 21251 of the Vehicle Code, and (3) this bill is
29 enacted after AB 584, in which case Section 2 of this bill shall not
30 become operative.

31 SEC. 5. Section 3.5 of this bill incorporates amendments to
32 Section 21260 of the Vehicle Code proposed by both this bill and
33 AB 584. It shall only become operative if (1) both bills are enacted
34 and become effective on or before January 1, 2011, (2) each bill
35 amends Section 21260 of the Vehicle Code, and (3) this bill is
36 enacted after AB 584, in which case Section 3 of this bill shall not
37 become operative.

38 SEC. 6. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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